

From: [John Harris](#)
To: [Casey Lockett/R6/USEPA/US@EPA](#)
Cc: [Kristin Sprinkle](#)
Subject: Arkwood, Inc. RfR Determination
Date: 01/10/2012 08:27 PM

Casey:

Before we put more effort into polishing our draft RfR Determination for the Arkwood, Inc. site, we need to alert you to an issue, get your feedback on it, and get some additional information from you.

The issue arises from the fact that the RfR Determination guidance requires, in most cases, that all ICs required for the site be in place before the RfR Determination is issued. For the Arkwood, Inc. site this presents two problems. First, there are no IC requirements in the ROD or ESD, despite the presence of capped contamination that does not allow for unrestricted use. However, if the IC that is needed is actually in place, even though not required in the decision documents, my interpretation of the guidance suggests that the RfR Determination can be issued. However, this is a matter of first impression which we are supposed to take to HQ (Matt Sander) for review.

The second problem is that we don't have the language of the deed notice that has been signed and therefore can't judge whether it is an adequate IC. We also do not know what language will be added when the owner modifies the deed notice in the near future. If you can get us that language, we can tell you whether we think the RfR Determination can be supported under the above rationale.

Please let me know your thoughts about this and whether you can get us the deed notice language.

As an aside, I want to also alert you that I think the lack of the IC requirement in the decision documents may undermine the Sitewide RAU determination for the site. You may want to look into that.

John D. Harris

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